selas

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NURADEEN ALAMIN,
Plaintiff

vs. : CIVIL ACTION NO

J. MINER, TROY LEVI,

.M. L. FURMAN, R. ADAMS and

M. FETZER,

Defendants

ORDER

HARRI

MARY E. B

DEC

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The pro se plaintiff, an inmate at FPC-All Pennsylvania, has filed objections to the report and recommendation of the magistrate judge, styled as a to the report. The magistrate judge recommends that be dismissed for failure to state a claim upon which granted.

The Plaintiff filed this action alleging to Furman intentionally destroyed the Plaintiff's applituransferred to M.D.C. Brooklyn. The magistrate judg pointed out that the Plaintiff has no constitutional incarceration in any particular prison and hence confurman's action, even if it happened. In his object Plaintiff complains that his imprisonment at Allenwood

him from receiving visitors. This is an infortunate



the government's right to incarcerate him in any of its prisons but does not make his claim actionable. See Olim v. Wakinekona, 461 U.S. 238, 103 S.Ct. 1741, 75 L.Ed.2d 813 (1983) (prisoner can be sent out-of-state to serve his time).

Accordingly, this 14th day of December, 2000, upon consideration of the report of the magistrate judge, dated November 21, 2000, the objections that have been filed, and independent review of the record, it is ordered that the magistrate judge's report is adopted. It is further ordered, pursuant to the magistrate judge's recommendation, that:

- This action is dismissed for failure under 28 U.S.C. § 1915(A) to state a claim upon which relief may be granted.
- Any appeal from this order would not be in good faith.
- 3. The Clerk of Court shall close this file.

William W. Caldwell

William 1

United States District Judge

## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

December 14, 2000

Re: 1:00-cv-01988 Alamin v. Miner

True and correct copies of the attached were mailed by the clerk to the following:

Nuradeen Alamin FPC-ALLENWOOD F.P.C. Allenwood 42711-053 P.O. Box 1000 Unit B-1 Montgomery, PA 17752

cc: Judge Magistrate Judge U.S. Marshal Probation U.S. Attorney Atty. for Deft. Defendant Warden Bureau of Prisons Ct Reporter Ctroom Deputy Orig-Security	
Federal Public Defender Summons Issued	( ) with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	
Order to Show Cause	( ) with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court Other	( ) ( ) MARY E. D'ANDREA, Clerk
DATE:	4/00 BY: Deputy Clerk